



SAN 09/945,555

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Brent Gilgen et al.

Examiner: Evan T Pert

Serial No.: 09/945,555

Group Art Unit: 2829

Filed: August 30, 2001

Docket: 303.778US1

Title: CAPACITOR FOR USE IN AN INTEGRATED CIRCUIT

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2/25/03*

RESPONSE TO SECOND RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

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In response to the Second (Species) Restriction Requirement mailed January 10, 2003,
Applicant elects Species I "capacitor(s) with at least one 'cone-shaped' plate."

Applicant has reviewed the claims and has found that claims 1-9 represent a genus group of claims, and claims 11, 12, 14-23, 25-28, 33-37, 39-43 and 45-50 are found within Species I.

The four species identified by the Examiner contain highly overlapping groups. For example, Species II describes claims 13-23, 26-28, 35-37, 40-43 and 47-50, Species III describes claims 10, 12, 17, 21, 23, 25, 27, 34, 37, 39, 41, 46 and 49, and Species IV describes claims 25-50. For this reason, Applicant requests reconsideration of the species restriction. Applicant believes that there are no clear species in claims 1-50 and requests reconsideration and withdrawal of the species restriction.

The Examiner is invited to contact Applicant's Representatives at the below-listed telephone number if there are any questions regarding this Response or if prosecution of this application may be assisted thereby.

Respectfully submitted,

BRENT GILGEN ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6904

Date Feb. 10, 2003 By Daniel J. Kluth
Daniel J. Kluth
Reg. No. 32,146

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this 10 day of February, 2003.

Name

Tina Kibicki

Signature

[Signature]



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We are transmitting herewith the following attached items (as indicated with an "X"):

- ☒ A return postcard.
- ☒ A Response to Restriction Requirement (2 Pages).

Please consider this a **PETITION FOR EXTENSION OF TIME** for sufficient number of months to enter these papers and please charge any additional required fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938, Minneapolis, MN 55402 (612-373-6900)

By: Daniel J. Kluth
Atty: Daniel J. Kluth
Reg. No. 32,146

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Tina Kohout
Name

[Signature]
Signature

Customer Number 21186

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(GENERAL)